hardships to the limited commercial traffic that might have resulted from adoption of the proposed rule. The final rule preserves the current right to have the bridge open on signal between 7 a.m. and 11 p.m. outside the restricted periods on weekends and Federal holidays during the summer. Since the impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 is revised to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.753 is revised to read as follows:

§ 117.753 Ship Channel, Great Egg Harbor Bay.

The draw of the S52 (Ship Channel) bridge, mile 0.5 between Somers Point and Ocean City shall open:

(a) From 11 p.m. to 7 a.m.:

(1) As soon as possible, but no longer than 30 minutes after a request for an opening, for any public vessel of the United States, state and local vessel used for public safety, vessel with another vessel in tow, or vessel in distress.

(2) On signal, if at least 24 hours advance notice is given for any other vessel.

(b) From Memorial Day through Labor Day, from 10 a.m. to 8 p.m., on Saturdays, Sundays, and Federal holidays:

(1) On signal for any public vessel of the United States, state and local vessel used for public safety, vessel with another vessel in tow, vessel in distress, or commercial vessel.

(2) Only on the hour and half-hour, for any recreational vessel.

(c) At all other times, on signal for any vessel.

Dated: November 22, 1988.

A. D. Breed,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 88–30154 Filed 12–30–88; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 440

[FRL–3501–7]

Ore Mining and Dressing Point Source Category; Gold Placer Mine Subcategory; Availability of Information, Comments and Responses, and Decision to Not Modify Final Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of information and response to comments, and decision to not modify final regulation.

SUMMARY: On May 24, 1988, EPA published a final rule promulgating effluent limitations guidelines and new source performance standards limiting effluent discharges to waters of the United States from facilities engaged in gold placer mining operations (53 FR 18764). In the preamble to the final regulation, the Agency requested comment concerning the economic impacts imposed on small placer mines (mines processing between 1,500 and 35,000 cubic yards of ore per year) by this regulation and stated that should significant additional data be presented to the Agency on small placer mines demonstrating that different effluent limitations guidelines and standards are warranted on a national basis, the Agency would modify the rule.

The Agency received 61 submissions containing approximately 163 individual comments on the issue on which EPA requested comment. Copies of these submissions, a summary of the comments with responses by the Agency, copies of other correspondence related to the impacts on small mines of the final rule, and copies of data and information used by the Agency in responding to comments are being made available in the post-promulgation record of the gold placer mine subcategory regulation.

Based on its review of these materials, the Agency has decided not to modify the final rule promulgated May 24, 1988.

DATE: The post-promulgation record will be available for public review not later than February 2, 1989.

ADDRESSES: Address questions on this notice to: Mr. Baldwin M. Jarrett, Industrial Technology Division (WH–552), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Attention: Gold Placer Mine Rules. The post-promulgation record will be available for inspection and copying at the following locations: EPA Public Information Reference Unit, Room 2904 (Rear), 4th and M Streets SW., Washington, DC 20460; EPA Library, 1200 Sixth Avenue, Seattle, WA 98101; EPA Alaska Field Office, Federal Building, Room E–551, 701 C Street, Anchorage, Alaska 99513; EPA Alaska Field Office, 3200 Hospital Drive, Suite 101, Juneau, Alaska 99801; and Alaska Department of Environmental Conservation Field Office, 1001 Noble Street, Fairbanks, Alaska 99701. The EPA Information Regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Ernst P. Hall, (202) 382–7126.

SUPPLEMENTARY INFORMATION: On May 24, 1988, EPA published a final rule promulgating effluent limitations guidelines and new source performance standards limiting effluent discharges to waters of the United States from facilities engaged in gold placer mining operations (53 FR 18764). In the preamble to this final regulation the Agency provided an opportunity for the public to submit significant additional data demonstrating that different limitations were warranted for small gold placer mines (those processing between 1,500 and 35,000 cu yd of ore per year). The Agency provided for a 60-day period, but did not specify the beginning or end of this period. A notice clarifying the period of time during which the Agency would receive comments was published July 1, 1988 (53 FR 24939). The Agency made the administrative record for this rulemaking available to the public on June 17, 1988. In order to provide adequate time for the public to acquaint itself with the administrative record and submit new data and comment, the Agency set the 60-day period to start June 17, 1988 and close on August 16, 1988.

The 61 comments received by EPA were from industry groups, government agencies and individual citizens. Most of the commenters contended that BAT limitations and NSPS based upon recirculation of process wastewater were not economically achievable for small gold placer mines. However, very few commenters provided any additional data as requested by EPA in the preamble to the final rule. Data were provided by the Department of the Interior (DOI). The Agency has carefully reviewed all of the information provided by commenters and determined that the data do not justify a change with respect to the economic methodology used by EPA to project the economic impacts of

the final regulation. The Agency continues to believe that the effluent limitations guidelines and new source performance standards imposed by the rule are economically achievable for all gold placer mine size categories. Therefore, the Agency is not modifying the rule promulgated on May 24, 1988.

Commenters on the final rule contended that EPA had understated several mining and compliance cost parameters, such as reclamation, maintenance, piping and pond construction costs, and that EPA had inappropriately excluded certain costs, such as mine patenting, from its analysis. The DOI also criticized the Agency's database and assumptions regarding the ore grades (i.e., the amount of gold recovered per cubic yard of ore processed by a mine) that are being mined in Alaska, and submitted additinal data to EPA. EPA has fully evaluated these contentions and the data that were submitted by commenters, and concluded that the Agency adequately considered operating and compliance costs when it promulgated the final rule, and that the Agency's ore grade database and assumptions were valid and appropriate for estimating placer mine revenues in its economic impact analysis. Below is a summary of the Agency's evaluation and conclusions regarding the major issues raised by commenters. EPA's complete analysis and discussion of these issues and all other public comments are contained in two support documents that will be included in the record for this decision: "Response to Comments on the Final Rule for the Gold Placer Mining Subcategory" ("Comment-Response Document"), and "Summary Report on Comments and Analysis of Data Submitted after Promulgation of the Gold Placer Mine Effluent Limitations Guidelines and Standards" ("Summary Report").

EPA's conclusion as to the achievability of the regulation is reaffirmed by information collected during site visits conducted by Agency staff during the 1988 mining season. Of the 85 active Alaskan mines that were visited by EPA, approximately half (including mines of all sizes) had already instituted recirculation of process water. This information supports EPA's conclusions that recirculation technology is in widespread use in the gold placer mining industry, and that requiring all mines to meet limitations based on this practice will not cause the significant economic dislocation projected by the industry or the Department of the Interior. In addition, EPA notes that monitoring data submitted by Alaskan miners to EPA from the 1988 mining season also indicate that the limitation of 0.2 ml/1 for settleable solids imposed by the regulation (and which is currently contained in permits issued by EPA) is being achieved by approximately 95% of gold placer mines.

1. Reclamation Costs

With regard to costs of reclamation, EPA's cost estimates at promulgation were based upon information supplied by the Bureau of Land Management and a published report on mining practices and costs. On the basis of the average per acre reclamation cost derived from these sources, EPA estimated that very small and small mines incurred reclamation costs of $2,543 and $2,918. In its comments, the DOI contended that EPA failed to take into account the cost of reclaiming settling ponds, and recommended that EPA assume all very small and small mines incur reclamation costs of $2,000 per site and $1,270 per acre of settling pond to be reclaimed. The DOI also contended that very small and small mines would have to reclaim two acres and four acres of ponds, respectively.

Contrary to DOI's assertion, EPA did consider the costs of reclaiming settling ponds in its analysis. The Agency's reclamation cost estimates were based upon the cost to reclaim the entire mining area, including the area for settling ponds which EPA field observations indicate are generally constructed in mine tailings. The total reclamation costs allocated by EPA in its analysis therefore included the costs of reclaiming the land on which settling ponds are located.

In addition, the Department did not provide data to support its assertion that very small and small mines would have to build and reclaim two and four acres of settling ponds per year. These assumptions result in a significant overestimate of total reclamation costs. EPA has determined, based upon data collected from operating placer mines and other sources, that very small and small mines will be able to treat wastewater for an entire season with ponds that are approximately one-half and one acre, in size, respectively. Indeed, when the DOI's suggested reclamation costs are applied based upon correct pond size dimensions, the resulting total reclamation costs are comparable to those assigned by EPA in its analysis. EPA therefore concludes that much of the information submitted by the DOI supports, rather than calls into question, the reclamation costs assigned by EPA in its analysis.

2. Maintenance Costs

EPA also disagrees with the DOI's contention that EPA should have allocated higher maintenance costs in its analysis. No actual data were provided by the Department in support of its suggested maintenance factors. The maintenance factors used by EPA were based, in large part, upon quotations from equipment suppliers documented in the public record. In addition, the Department apparently misconstrued the factors actually applied by EPA, which varied according to the particular piece of equipment in question. In some cases the factors used by EPA were comparable to those suggested by the DOI. The Comment-Response and Summary Report documents contained in the public record clarify the specific maintenance factors used by EPA in its analysis. Finally, through the application of variance cost factors described in the preamble to the final rule, EPA's analysis took into account the higher operating costs (including costs for maintenance) that would be encountered by mines operating under harsh conditions. EPA therefore concludes that it adequately took into account maintenance costs in its economic impact analysis.

3. Costs of Piping

The Department also contended that EPA had underestimated the length of pipe that very small and small mines would need to recirculate water from settling ponds to the sluice and stated that, in light of topographic conditions and other factors, longer pumping distances "are anticipated." The DOI did not provide data to support this contention. The Department also apparently misunderstood the length of pipe costed by EPA, which, as indicated in the Agency's final costing study supporting the final rule, was actually several times greater than indicated by the DOI. Moreover, EPA took into account the topographical constraints cited by the Department by including in its analysis the costs of building three or four small settling ponds per year if there was not adequate space for a single large pond. Under this scenario, less piping is obviously needed because each new pond is constructed as close as possible to the gold recovery process. Finally, as explained in the final Economic Impact Analysis, EPA applied a cost factor which increased all operating costs for certain representative mines in the analysis to reflect the higher costs of operating under difficult topographic conditions.

4. Settling Pond Construction Costs

The Department also asserted that EPA had underestimated the size of settling ponds needed to comply with the rule because the Agency allegedly overestimated the density of solids that would be collected in the ponds after settling. However, the Agency's estimate of 57% solids in the sludge was based upon laboratory analysis of sludge core samples taken at seven operating settling ponds during the 1986 mining season. The Department cited a Bureau of Mines chemical flocculant study which apparently found a percent solids content of 45%. However, the Bureau of Mines study was a pilot scale examination of the performance of chemically aided settling; the study did not measure the density of solids in settling ponds. Because EPA's analysis was performed under actual, full-scale conditions and was specifically designed to ascertain the percent solids in sludge produced by simple settling, the Agency is confident that it has accurately estimated the percent solids that will be produced under full-scale field conditions.

5. Patenting Costs

Several commenters asserted that EPA should have included in its analysis the cost of mines to patent their claims. They cite in particular the Alaska Native Claims Settlement Act and assert that miners may lose their right to mine if the lands on which their claims are located are conveyed to Native Villages and Regional Corporations under the Act. EPA concludes that it properly excluded this cost from its analysis. It is well-established that a miner does not have to patent his claim in order to maintain his possessory mining rights.

Decisions by the Department of the Interior and the Federal courts have clearly held a miner's right to his unpatented claims is not impaired if lands on which his claims are located are conveyed under the Alaska Native Claims Settlement Act. Since the decision to go to patent is therefore discretionary and not a necessary cost of doing business, EPA appropriately excluded it from its analysis.

6. Lower 48 Analysis

DOI asserted that EPA's economic analysis contains insufficient information on mines located in the Lower 48 States. EPA disagrees with this assertion. EPA made an intensive effort beginning in 1984 to collect data on Lower 48 mining activity. EPA prepared a model mine analysis similar to that developed for Alaska that covers an estimated 265 mines in the Lower 48 States. The database supporting the Lower 48 analysis includes all available data, including data from private sources (e.g., material in comments from miners) and publicly available data (State and Federal publications, correspondence with State and Federal agencies). The information was collected over a period of years and was subject to public review and comment at proposal and in two subsequent notices. EPA believes the Lower 48 analysis is based on sufficient data and correctly states the impact of the regulation on mines in the Lower 48 States.

7. Regional Data

DOI asserted that EPA's analysis contains insufficient ore grade information on two mining regions within Alaska—the Northern and Southeastern regions.

In developing the database for the regulation, EPA undertook an exhaustive investigation of ore grades found at mines throughout Alaska and relied upon information collected in field questionnaires, published literature and land patent reports to derive regional ore grade values. The Northern and Southeastern regions of Alaska had the smallest number of ore grade data points, which is not unexpected, since these two regions have historically had the least mining activity. In 1986, a total of seven mines were active in these two regions according to the State of Alaska *Minerals Industry Yearbook 1986.*

In the Northern region, EPA relied upon two data points to determine a regional average. A data point of .016 ounce per cubic yard was obtained from an EPA questionnaire. The other data point was based on a historic grade of .058 ounce per cubic yard. We reduced this very high value to .04 ounce/yard as a conservative assumption. The two data points thus yielded an average ore grade of .028 ounce per cubic yard, which is the value used for calculating mine revenues in the Northern region. We believe this value, which is higher than the statewide average, is appropriate because any mines that operate under the more difficult conditions of the Northern region (harsh weather, long distance to suppliers, etc.) would require higher than average ore grades and, therefore, higher than average returns in order to cover higher than average costs. EPA notes that, consistent with this approach, the representative model mines in the Agency's analysis for this region were estimated to have higher operating costs due to these difficult conditions.

In the Southeastern region, DOI incorrectly stated that EPA used the 1921 Geological Survey bulletin to obtain a regional average ore grade of .02 ounce per cubic yard. EPA was unable to obtain any ore grade data for this region, so the state-wide weighted average ore grade of .02 was used as a proxy for this region. This value is lower than the ore grade reported in the USGS 1921 bulletin for Alaska. Given the small number of mines in this region, the use of the statewide average ore grade value as a proxy is a reasonable alternative.

In developing this regulation, EPA thoroughly searched for and used all available information to derive ore grade values by mining region. We recognize that the data are limited for two regions, but again point out this is consistent with the scarcity of mines in these two areas of Alaska. The number of ore grade data points is similarly limited in the Alaska Department of Natural Resources database. Given the limited data, we believe that the ore grade estimates used by the Agency are reasonable representations of the grades at mines in these two regions.

8. Ore Grades

The most significant data submitted to EPA related to the ore grade values assumed in the Agency's analysis. Ore grade assumptions form the basis of revenue estimates and are therefore crucial to determining the effect of this regulation on mine profitability. The DOI contended that EPA has included "outdated" historical ore grade information in its database and recommended that EPA use a single, revised ore grade value for all mines (0.015 ounce per cubic yard) that the Department derived from a portion of EPA's data and other data sources.

EPA has reviewed all of the data presented by the Department and has concluded that they do not justify revising the ore grade database relied upon by EPA in promulgating this regulation. A complete analysis of the comments and data presented by the DOI is contained in the document "Summary Report on Comments and Analysis of Data Submitted After Promulgation of the Gold Placer Mining Rule", which is contained in the record for this decision. A summary of EPA's analysis and conclusions is provided below.

EPA's ore grade database was derived from an exhaustive data collection effort and is compiled from several sources. These include observations reported in published studies which reported ore grade or other mining data over time from which ore grade could be reported, and ore grade values collected directly from miners by EPA during site visits in the 1984–1986 mining seasons. While

some of the ore grades obtained from published literature were collected some time ago, the Department has provided no data to substantiate its claim that deposits with such ore grades are no longer found because many miners are currently remining previously worked areas. Indeed, the Agency has reexamined the recent data collected in support of the final rule, and determined that, if the Agency were to rely *only* on the recently collected data and exclude the historical ore grades, the economic impacts would likely be lower than projected at promulgation because the overall statewide average of EPA's recent ore grade data (i.e., collected after 1977), weighted according to the number of mines operating in various regions, is actually higher than the weighted average of the data (recent and historical) relied upon at promulgation. Therefore, the Department's contention that use of the historic ore grades inflated mine revenues and reduced the projected impacts of the rule is without merit.

EPA conducted an analysis evaluating the economic impacts of this rule if the ore grade values were lowered in the manner suggested by the DOI. The analysis indicates that use of lower ore grades suggested by DOI results in baseline closures of most of the gold placer mining industry (i.e., closures prior to the imposition of any costs to comply with this regulation). At the 1986 season average gold price of $377 per ounce, 84% of all mines would close in the baseline; at the 1987 season average gold price of $455, 65% of all mines would close in the baseline. However, since the number of mines in Alaska actually increased between 1986 and 1988, we believe that DOI's recommended ore grade value is unrealistically low, for its projects pre-compliance closures of a significant portion of the industry at a time when the number of mines is expanding.

EPA also evaluated whether some of the data submitted by the DOI were appropriate for use in the Agency's analysis. Two new ore grade data sources were supplied by the DOI: an average ore grade value from nine BLM patent reports, and 151 ore grade values that had been collected by the Alaska Department of Natural Resources (ADNR) from 1982 to 1987. With regard to the patent reports, the DOI did not provide EPA with the individual ore grade values from the nine mines; nor did the Department provide the actual reports. Without this information, EPA was unable to verify the method by which ore grades were calculated, the sizes of the mines or their locations in order to evaluate the accuracy of the data or its representativeness. In addition, the Department informed EPA that it had selected the nine reports from 21 that were available, and EPA does not know the criteria that were used in selecting only the nine reports. For these reasons, EPA does not believe it would be appropriate to incorporate these data into its analysis.

The Agency also evaluated the survey data collected by ADNR for possible use in EPA's analysis. After DOI submitted its comments to the Agency, EPA solicited additional information from the ADNR regarding the mines in the database, such as mine size, location and instances were an individual mine reported ore grade for more than one year. However, because the survey had been conducted under a promise of confidentiality, the actual data could not be obtained by EPA.

For several reasons, the Agency concluded that reliance on the Alaska data would not be appropriate. First, the data are the result of a self-selected survey; several thousand questionnaires had been sent during the six years but only 151 responses were received containing information sufficient to derive ore grade values. This indicates a potential for response bias. Also, the questionnaires did not specifically request the miner's ore grade. The wording of relevant questions was confusing and could have caused errors in the reporting or deriving of ore grade values. Moreover, the data appear overly representative of large mines which, because of economies of scale, may be able to operate profitably with lower ore grades than smaller mines. Thus, the large number of ore grade data points from large mines introduces the possibility of bias in the database towards lower ore grade values. Finally, the questionnaire was designed to get an overall view of the Alaska mineral industry, and not specifically to investigate gold placer mining ore grades.

EPA's data collection effort, by contrast, was specifically designed to be representative of the gold placer mining industry in a variety of respects, including the number of mines in various size categories and locations. Also, since EPA had its raw data in hand, the Agency was able to exercise the quality control that it could not exercise without having the raw data collected by ADNR. EPA therefore concluded that it was appropriate to continue to rely upon the database collected prior to promulgation.

However, EPA also evaluated whether the Alaska data, if it were appropriate for use by the Agency, would indicate economic impacts significantly different from those projected by EPA at promulgation. The Alaska data, when grouped by region and weighted according to the number of mines in each region, yield a statewide weighted average that is approximately 5% lower than the statewide weighted average of EPA's database. EPA, therefore, conducted a sensitivity analysis that reduced the ore grade values in each region by this amount. The most notable result of this adjustment is an increase in the number of baseline closures. While the total number of closures due to compliance increases slightly (from 25 to 27 mines), the Agency does not believe that the results are significantly different from those projected at promulgation. Therefore, the Agency has concluded that, even if it were to rely upon the ADNR data base, EPA would conclude that the final regulation is economically achievable for all mine size categories.

9. Conclusion

On the basis of its analysis of all the comments and data submitted during the comment period, EPA concludes that no changes to its economic impact methodology are warranted. EPA continues to believe that limitations based upon recirculation of process wastewater are economically achievable for all mine size categories.

Dated December 20, 1988.

Lee M. Thomas,

Administrator.

[FR Doc. 88-30182 Filed 12-30-88; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101, Subchapter A

[FPMR Temp. Reg. A-31]

Travel and Transportation Expense Payment System Using Contractor-Issued Charge Cards, Centrally-Billed Accounts, and Travelers Checks

AGENCY: Federal Supply Service, GSA.

ACTION: Temporary regulation.

SUMMARY: This regulation prescribes policies and procedures for a travel and transportation expense payment system which provides for the use of General Services Administration (GSA) contractor-issued charge cards, centrally-billed accounts, and travelers checks by Federal agencies for the procurement of passenger transportation

services, car rentals, payment to commercial facilities for subsistence (lodging, meals, etc.) and for miscellaneous travel and transportation expenses incurred during official travel. This regulation incorporates the awarded contracts effective November 30, 1988.

DATES: *Effective date*: November 30, 1988

Expiration date: November 29, 1989, unless sooner canceled or superseded.

FOR FURTHER INFORMATION CONTACT: Phyllis Hickman, Travel and Transportation Management Division (FBT), Washington, DC 20406, telephone FTS 557–1264 or commercial (703) 557–1264.

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more, a major increase in costs to consumers or others, or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Ch. 101, Subchapter A

Government employees, Travel, Travel allowances, Travel and transportation expenses.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter A to read as follows:

December 7, 1988.

[Federal Property Management Regulations Temporary Regulation A–31]

TO: Heads of Federal agencies.

SUBJECT: Travel and transportation expense payment system using contractor-issued charge cards, centrally-billed accounts, and travelers checks.

1. *Purpose.* This regulation prescribes policies and procedures for a travel and transportation expense payment system which provides for the use of General Services Administration (GSA) contractor-issued charge cards, centrally-billed accounts, and travelers checks by Federal agencies for the procurement of passenger transportation services, car rentals, payment to commercial facilities for subsistence (Lodging, meals, etc.) and for miscellaneous travel and transportation expenses incurred during official travel.

2. *Effective date.* This regulation is effective November 30, 1988.

3. *Expiration date.* This regulation expires November 29, 1989, unless sooner superseded or canceled.

4. *Scope.* This regulation shall be used in conjunction with the Federal Travel Regulation (FTR) and 41 CFR Part 101–41. Except as provided in this temporary regulation, all provisions of the FTR, 41 CFR Part 101–41, and related regulations (e.g., FPMR Temporary Regulation A–30, governing use of airline contract fares) continue in effect.

5. *Applicability.* a. This regulation applies to employees of Federal agencies and departments that participate in GSA's travel and transportation expense payment system using contractor-issued charge cards, centrally-billed accounts, and travelers checks.

b. Except for the use of contractor-issued charge cards, this regulation permits eligible cost-reimbursable contractors working for the Government to participate in GSA's travel and transportation expense payment system.

6. *Background.* a. Under 41 CFR 101–41.203, Federal agencies normally use a U.S. Government Transportation Request (GTR), SF 1169, to purchase passenger transportation services directly from a common carrier or through a commercial travel agent under contract to GSA. Also, under the FTR, travelers are eligible for advances to pay for allowable travel expenses. Upon completion of official travel, the employee submits a travel voucher to the agency finance office, which reimburses the employee for authorized and allowable travel expenses.

b. Authority to deviate from 41 CFR 101–41.203 was granted by the Administrator of General Services on August 4, 1983, thus allowing eligible individuals to participate in the charge card program. (See 48 FR 36893, dated August 15, 1983.)

c. GSA entered into a new contract with Citibank/Dinners Club, Inc., to issue and maintain charge cards and establish centrally-billed accounts. GSA also contracted with Citicorp for the issuance of travelers checks to be used by Federal employees to cover subsistence and other allowable travel and minor transportation expenses. Those contracts are effective November 30, 1988.

d. For more effective cash management, the Office of Management and Budget (OMB) Bulletin 88–17 dated July 22, 1988, prescribes that agencies should advance travel funds in the form of travelers checks, when determined to be in the best interest of the Government.

7. *Definitions.* For the purposes of this regulation, certain terms used herein are defined as follows:

a. "Centrally-billed" means a Government Travel System account established by the contractor at the request of a participating agency.

b. A "charge card" means a Citibank/Diners Club charge card to be used by travelers of a participating agency to pay for passenger transportation services, commercial facilities for subsistence expenses, and other allowable travel and transportation expenses incurred in connection with official travel.

c. "Contractor" means Citibank/Diners Club, Inc.

d. "Cost-reimbursable contractor" means contractors performing work under cost-reimbursable contracts or other eligible contracts as defined in 48 CFR Part 51, including (but not limited to):

(1) Contractors working under cost-reimbursable contracts or other types of contracts involving direct travel costs to the Government; and

(2) Contractors working for the Government at specific sites under special arrangements with the applicable contracting agency, and which are funded at such sites through congressional appropriations (e.g., Government-owned, contractor operated (GOCO), federally funded research and development (FFRDC), or management and operating (M&O) contracts).

e. "FTD" means the Federal Travel Directory, a monthly publication issued by GSA and the Department of Defense to provide up-to-date information on charge cards, contract fares, lodging rates, car rental, per diem rates, travel management centers, and other travel and transportation matters. Government employees should order copies of the FTD through their appropriate headquarters administrative offices. The FTD is also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. For ordering information, telephone the central order desk on (202) 783–3238 and request the Federal Travel Directory, GPO stock number 722–006–00000–3.

f. "Participating agency" means agencies and departments that participate in GSA's travel and transportation expense payment system.

g. "Travelers checks" are Citicorp travelers checks.

h. "TMC" means a Travel Management Center. A TMC is a commercial travel firm under contract to GSA that provides reservations, ticketing, and related travel management services for official Government travelers.

8. *Travel and transportation expense program.* This GSA travel management program incorporates provisions for the following:

a. Individual employee charge cards used to pay for major travel and transportation expenses; i.e., passenger transportation tickets, vehicle rental charges, lodgings, meals, etc. (see par. 9);

b. Centrally-billed accounts used by designated agency offices primarily for the purchase of passenger transportation services (see par. 12); and

c. Travelers checks (or cash) used for other expenses; i.e., laundry, parking, local transportation, or tips (see par. 14).

9. *Individual employee charge cards.*—a. *Issuing charge cards.* Participating agencies shall determine and name employees who may be issued an individual employee charge card. The employees will be requested to complete an employee card account application for agency approval and submission to the contractor. The charge card is issued directly to the employee in his or her name. Cost-reimbursable contractors are not eligible to use the charge card.

b. *Use of charge cards.*

(1) The employee shall use charge cards issued under this program only for expenses incurred in conjunction with official travel. The employee shall use the charge card to pay for official travel expenses to the maximum extent possible. There is no preset expense limit on the charge cards. Although the employee is liable for payment of all charges incurred, the employee shall be reimbursed by his/her agency for all authorized and allowable travel and transportation expenses. However, employees are cautioned that charges in excess of authorized and allowable travel and transportation expenses, i.e., lodging and meal costs which exceed authorized amounts, are the financial responsibility of the employee and are not reimbursable. Use of the charge card does not relieve the employee of the responsibility to employ prudent travel practices and to observe rules and regulations governing official travel as set forth in the FTR and implementing agency regulations.

(2) The charge card may be used to pay for passenger transportation services (including services under contract fares offered by carriers under contract to GSA) at the transportation carrier's ticket counter, TMC, or agency travel office, as appropriate, under the participating agency's policies and procedures. Agencies may elect to prohibit employees from using the charge card to purchase services directly from a carrier. The charge card shall not be used to procure travel and transportation services from commercial travel agencies that are not under contract to the Government to provide such services to the Government traveler.

c. *Monthly contractor bills and payments.* The terms of the contract with Citibank/Diners Club, Inc., require billing and payment to be performed in the following manner. The contractor bills charges directly to the individual employee each month. Charges billed to the individual employer are due and must be paid in full within 25 calendar days of the billing date. There are no interest or late charges, and extended or partial payment is not permitted. Questions concerning billings and payments should be directed to the contractor at: 800–525–5289 or 303–799–9000.

d. *Travel voucher claims.*—(1) *Preparing and submitting travel vouchers.* Upon completing official travel, the employee must prepare and submit a travel voucher in the usual manner to be reimbursed under the FTR and agency policies and procedures, together with any required receipts, to the appropriate finance or paying office. The employee is reimbursed for authorized and allowable travel and transportation expenses. Participating agencies shall process travel vouchers within the time limits prescribed in OMB Bulletin 88–17 of July 22, 1988.

2. *Unused transportation tickets.* Unused or partially unused tickets purchased with individual charge cards shall be returned to a TMC or carrier and a refund credit receipt obtained. Unused tickets that have been prepaid for pickup at the airport must be refunded by the airline upon whose ticket stock the ticket was issued. The employee may claim reimbursement on the travel voucher only for the cost of the tickets actually used. Refunds for unused tickets will be credited to the employee's account. The unused tickets shall not be submitted with the travel voucher.

(3) *Transportation charges and assignment of rights.* Use of charge cards for purchase of passenger transportation services is considered to be a cash purchase. Travel vouchers submitted for reimbursement of transportation purchase with charge cards must include a statement which assigns to the United States all rights which the traveler has in connection with recovery of overcharges from the carrier(s). This statement is preprinted on the SF 1012, Travel Voucher, and must be initialed by the employee when claiming reimbursement for transportation expenses. Employees using agency travel vouchers under approved exceptions to the SF 1012 must add this statement if it is not preprinted on the voucher.

10. *Charge card cancellation or suspension.* Charge cards may be canceled by the employee, the participating agency, or the contractor. Cancellation may be accomplished by telephone notification with subsequent written confirmation to the contractor. The contractor may cancel an employee's card when the contractor's statement has not been paid in full 120 calendar days after the date the statement was issued. The contractor may suspend an employee's card when the contractor's statement has not been paid in full 60 calendar days after the date the statement was issued. In either event, the contractor will cancel or suspend an employee's card only on notification to and with the concurrence of the participating agency.

11. *Lost or stolen charge cards.* An employee is not responsible for any charges incurred against a lost or stolen charge card provided the employee promptly reports loss of the card to the contractor under the terms of the cardmember agreement signed by the employee when the charge card was issued. Employees may call the following telephone numbers 24 hours a day to report lost or stolen charge cards:

In the continental U.S., Alaska, Hawaii, and Virgin Islands (toll free) 1–800–525–9040
In Canada (call collect) 0–303–779–6235
In Puerto Rico (call collect) 37–800–525–9040
In the Caribbean 0–809–295–7181
In Colorado (except Denver) (toll free) 1–800–332–9340
In metropolitan Denver (dial direct) 779–8235/779–1505

These telephone numbers are also published in the FTD.

12. *Participating agency centrally-billed accounts.*—a. *Establishment.* (1) Participating agencies may establish centrally-billed accounts with the contractor for one or more designated offices within the agency to primarily purchase transportation services, principally for groups or for infrequent travelers; i.e., employees not designated to receive individual cards. Agencies shall ensure that only authorized personnel use the accounts and that all tickets purchased are authorized.

Charge cards are not issued for centrally-billed accounts.

(2) The Federal agency may also allow centrally-billed accounts to be established for use by eligible cost-reimbursable Government contractors. These accounts must be established at the specific request of the agency and are subject to approval by GSA's contracting officer.

b. *Use of centrally-billed accounts.* Centrally-billed accounts may be used only if agencies use a TMC or an agency travel office. They are intended principally to supplement the individual card, rather than as the sole means of purchasing airline tickets for all agency employees.

c. *Contractor billing and payment.* Consolidated contractor airline ticket charges accrued through use of centrally-billed accounts shall be billed monthly to the agency's finance and paying office. Expenses billed monthly against centrally-billed accounts are paid to the contractor. Monthly payment of charges incurred through the use of centrally-billed accounts is subject to the provisions of the Prompt Payment Act of 1982, and charges billed to agency offices are due in full within 30 calendar days of the billing date.

d. *Travel voucher claims.*—(1) *Preparation and submission of travel vouchers.* On completing official travel, the employee shall prepare and submit a travel voucher in the usual manner, together with any required receipts, to the finance and paying office, to be reimbursed.

(2) *Unused transportation tickets.* The employee shall submit to the appropriate agency office all unused transportation tickets (wholly or partially unused) purchased under a centrally-billed account. In turn, the agency shall return the unused tickets to the TMC through use of the SF 1170, Redemption of Unused Tickets, and maintain a copy of the SF 1170 on file until the credit appears as an adjustment to the agency's bill from the TMC. Policies and procedures regarding the use of the SF 1170 are provided in 41 CFR Subpart 101–41.2.

13. *Financial obligations/liability.*—a. *Employee.* Except for charges accrued against promptly reported lost or stolen cards, employees with charge cards are liable for all billed charges (see pars. 9b and 11). Government employees must pay their just financial debts under section 206 of Executive Order 11222 (May 8, 1965) and Office of Personnel Management Regulations, 5 CFR 735.207. At the request of the contractor, Federal agencies and departments, without Government liability, may assist in collecting delinquent employee accounts after 60 calendar days.

b. *Government.* The Government assumes no liability for charges incurred on employee charge cards, nor is the Government liable for lost or stolen charge cards. The Government is liable only for authorized charges incurred in conjunction with official travel on centrally-billed accounts.

14. *Travelers checks.* Travelers checks issued under this program are available to participating agencies in denominations of $20, $50, $100, $500, and $1,000. Specific arrangements for issuing, shipping, and paying for bulk stocks of travelers checks are made during initial discussions between Citicorp and the participating agency.

15. *Lost or stolen travelers checks.* Lost or stolen travelers checks shall be reported promptly by telephone to Citicorp. Employee may call the following numbers 24 hours a day to report lost or stolen travelers checks and to obtain refund information:

In the continental U.S. (Also serves as access to Operations Center) 1–800–645–6556
Outside the continental U.S. (Alaska, Canada) (Also serves as Citicorp Hotline) 813–623–1709
Europe, Middle East and Africa (call London Office collect) 1–438–1414
In Latin America 813–626–4444
United Kingdom Dial 100; ask for FREEFONE Citicorp Travelers Checks
Seoul, Korea (call collect) 2–738–8914
Toyko (call collect) 3–501–1348
Hong Kong (call collect) 5–821–7215
Sydney, Australia 2–239–9533
Within Australia (toll free) 2–008–022272
Singapore 223–1009
Taipei, Taiwan (call collect) 2–713–9739

These telephone numbers are also published in the FTD.

16. *Establishing accounts.* a. The contractor shall issue charge cards and establish centrally-billed accounts only upon the request of authorized representatives of participating agencies. Interested offices within the participating agency shall contact their local administrative or travel office to initiate this program. Only the headquarters agency office, however, can approve participation in the program.

b. The contractor mails charge cards to authorized individuals or to requesting agency offices within 3 workdays of notifying the contractor.

17. *Additional agency guidance and information.*—a. *Purchasing passenger transportation.* (1) Passenger transportation services procured with contractor-issued charge cards under this payment system are exempt from the cash limitation established by the Administrator of General Services at 41 CFR 101–41.203–2. Any credit card other than the contractor-issued charge card, and all travelers checks used to purchase passenger transportation services shall be considered the equivalent of cash and subject to the cash limitation and provisions of 41 CFR 101–41.203–2.

(2) The portion of the charge card application form, Optional Employee Data, Field 2, is to be used to record the standard Federal organization code(s) contained in the Department of Commerce/National Bureau of Standards publication, Codes for the Identification of Federal and Federally-assisted Organizations (FIPS PUB 95), dated December 23, 1982. Specific details concerning this requirement will be communicated by the contractor directly to each participating agency during the initial program implementation phase.

b. *Submitting passenger ticketing information to GSA for audit.* (1) Travel vouchers containing reimbursable transportation charges purchased with contractor-issued charge cards shall not be considered transportation vouchers under 41 CFR 101–41.807.

(2) Passenger ticketing information is furnished directly by the contractor to GSA's Office of Transportation Audits. It is used to identify and collect carrier overcharges.

c. *Examination of payments and collection.* The Transportation Act of 1940, as amended (31 U.S.C. 3726), authorizes the GSA Transportation Audit Division (see 41 CFR 101–41.102) to issue a notice of overcharge when GSA finds that a carrier has been overpaid for the services rendered.

(1) Under the provisions of 41 CFR Subpart 101–41.5, carriers are requested to refund amounts due the United States. Refund checks are to be made payable to the General Services Administration and mailed promptly to General Services Administration, P.O. Box 93746, Chicago, IL 60673. Payment or credit to the contractor is not considered proper payment of overcharge claims due the U.S. Government.

(2) Protests to notices of overcharge are handled and processed in accordance with 41 CFR 101–41.503.

(3) Collection of unrefunded overcharges owed to the U.S. Government are processed in accordance with 41 CFR 101–41.504.

(4) Debts collected by GSA based on audits of transportation accounts are deposited to miscellaneous receipts, U.S. Treasury.

(5) Claims against the United States related to the actions taken above are processed under 41 CFR Subpart 101–41.6.

(6) Reconsideration and review of GSA transportation claim settlements follow the provisions of 41 CFR Subpart 101–41.7.

18. *Employee training.* Participating agencies shall ensure that each of their eligible employees is adequately trained in the use of the contractor-issued charge card or centrally-billed account before allowing them to use either a charge card or a centrally-billed account.

19. *Agency participation.* Agencies or departments desiring to participate in this program should contact the Travel and Transportation Management Division (FBT), General Services Administration, Washington, DC 20406, telephone (703) 557–1264 or FTS 557–1264.

20. *Comments and recommendations.* Comments and recommendations regarding the travel and transportation expense payment system or this regulation may be sent to: General Services Administration, Federal Supply Service, Office of Transportation and Property Management, Travel and Transportation Management Division (FBT), Washington, DC 20406.

21. *Effect on other directives.* This regulation cancels FPMR Temp. Reg. A–25 in its entirety.

Richard G. Austin,

Acting Administrator of General Services.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 663

[Docket No. 81130–8265]

Pacific Coast Groundfish Fishery; Foreign Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of final 1989 fishery specifications.

SUMMARY: NOAA announces the final 1989 specifications for Pacific coast groundfish taken in the ocean off the coasts of Washington, Oregon, and California. The specifications include the acceptable biological catch, the optimum yield, and the distribution of the optimum yield between domestic and foreign fishing operations as required by the regulations implementing the Pacific Coast Groundfish Fishery Management Plan. The intended effect of this action is to establish allowable harvests of Pacific coast groundfish from the United States exclusive economic zone and territorial waters in 1989.

EFFECTIVE DATE: January 1, 1989, until modified, superseded, or rescinded.

FOR FURTHER INFORMATION CONTACT: William L. Robinson (Northwest Region, NMFS), 206–526–6140, or Rodney R. McInnis (Southwest Region, NMFS), 213–514–6199.

SUPPLEMENTARY INFORMATION: The implementing regulations for the Pacific Coast Groundfish Fishery Management Plan (FMP) at 50 CFR Part 663 require that management specifications for groundfish be evaluated each calendar year, that preliminary specifications for the upcoming year be published in the **Federal Register** inviting public comment, and that final specifications be published in the **Federal Register** following public comment. The management specifications include the acceptable biological catch (ABC), the optimum yield (OY), and the distribution of OY between domestic and foreign fishermen. The ABC is an estimate of the annual catch that can be taken of the more than 80 groundfish species managed by the FMP without jeopardizing the stock's productivity. The OY, which is specified for six species (Pacific whiting, sablefish, Pacific ocean perch, shortbelly rockfish, widow rockfish, and, north of 39° N. latitude, jack mackerel), is based on socio-economic as well as biological factors and thus is not necessarily equal to the ABC. The OYs for these six species are the maximum amounts of fish (in round weight) that may be retained or landed each year from the 3–200 nautical mile exclusive economic zone (EEZ) and the territorial sea (0–3 nautical miles) off Washington, Oregon, and California.

The OY for each of these six species is apportioned into specifications of the amounts available for domestic and foreign fishing. The domestic annual harvest (DAH) consists of estimates of domestic annual processing (DAP) and joint venture processing (JVP) which are verified by surveys of the domestic industry in September and June. The total allowable level of foreign fishing (TALFF) is the remainder, if any, of OY after domestic needs have been subtracted. Before TALFF is designated, a reserve of 20 percent of OY is established for each species in case the domestic industry needs more fish than initially was estimated.

The other groundfish species managed under the FMP do not have numerical OYs. For the most part, they cannot be harvested selectively and, unless biological stress is documented, have not been managed by quotas. The fisheries may be regulated by gear, area, and catch restrictions. Full utilization by domestic processors of some species in this multispecies complex preclude joint venture of foreign targeting on underexploited species in the complex because large incidental catches of the fully utilized species are likely to result. Consequently, specifications for DAH, DAP, JVP, and TALFF are not made for species which do not have numerical OYs. However, ABCs are specified for the major species or species groups.

The OYs may be changed during the year, within limits, under the procedures outlined in the regulations at 50 CFR 663.22. The estimates of DAP, DAH, JVP, and TALFF also may be modified inseason according to the procedures outlined in the foreign fishing regulations at 50 CFR 611.70.

The Pacific Fishery Management Council (Council) reviewed the recommendations of its Groundfish Management Team (GMT) and Scientific and Statistical Committee, received public comment, and recommended preliminary specifications for the 1989 ABCs, based upon the best available scientific information and surveys of the industry, at its September 1988 meeting. The preliminary 1989 ABCs and OYs recommended by the Council were published in the **Federal Register** at 53 FR 46890 (November 21, 1988). Written public comments on the preliminary specifications were requested through December 1, 1988; none were received.

The Council again received public comment at its November 16–17, 1988 meeting, the last opportunity in 1988 to recommend final specifications for 1989. The Council considered public comments in addition to advice from its Groundfish Advisory Subpanel (industry and consumer representatives) and GMT (state and federal fishery biologists and an economist) in recommending final specifications to NMFS. The Council recommended the following revisions to the preliminary specifications for sablefish, widow rockfish, and Pacific cod in 1989.

Sablefish

The ABC for sablefish in 1989 is 9,000 metric tons (mt). At its November meeting, the Council changed its earlier recommendation for a 1989 sablefish OY from 10,400 mt to an OY range of 10,400 mt–11,000 mt and stated its intent to manage for the low end of the range.